

1 GENERAL GOVERNMENT CABINET

2 Board of Dentistry

3 (New Administrative Regulation)

4 201 KAR 8:570. Registration of Dental Assistants.

5 RELATES TO: KRS 214.615, 313.030, 313.045, 313.050, 313.080, 313.130

6 STATUTORY AUTHORITY: KRS 214.615(2), 313.021 (1) (a), (b), (c), 313.045

7 NECESSITY, FUNCTION, AND CONFORMITY: KRS 313.045(1) requires the board to promulgate

8 administrative regulations relating to requirements and procedures for registration, duties, training, and

9 standards of practice for dental assistants. This administrative regulation establishes the requirements

10 and procedures for registration, duties, training, and standards of practice for dental assistants.

11 Section 1. Definitions.

12 (1) “Coronal polishing” means a procedure that is the final stage of a dental prophylaxis on the
13 clinical crown of the tooth after a dentist or a hygienist has verified there is no calcareous
14 material.

15 (2) “Dental assistant” mean a person who is directly involved with the care and treatment of a
16 patient under the direct supervision of a dentist and performs reversible procedures delegated
17 by dentist licensed in the Commonwealth.

18 Section 2. General Registration Requirements and General Training Requirements.

19 (1) A dentist licensed in the Commonwealth shall register all dental assistants on the Application
20 for Renewal of Dental Licensure incorporated by reference in 201 KAR 8:530.

21 (2) The dentist shall retain in the personnel file for the registered dental assistant the following:

- (a) The certificate of completion issued for the completion of the Coronal Polishing Course if the course has been taken by the dental assistant;
- (b) A copy of the certificate of completion issued for the completion of the Radiation Safety Course if the course has been taken by the dental assistant;
- (c) A copy of the certificate of completion issued for the completion of the Radiation Techniques Course if the course has been taken by the dental assistant;
- (d) A copy of the certificate of completion issued for the completion of the Starting Intravenous Access Lines if the course has been taken by the dental assistant;
- (e) A copy of proof of having current certification in cardiopulmonary resuscitation (CPR) that meets or exceeds the guidelines set forth by the American Heart Association, as incorporated by reference in 201 KAR 8:530; and
- (f) A statement of the competency of procedures delegated to the dental assistant from the delegated duties list that includes the following:
 - (i) Name of the individual trained; and
 - (ii) Name of the licensee attesting to the competency of the Dental Assistant;

Section 3. Coronal Polishing Requirements.

(1) A registered dental assistant may perform coronal polishing. If coronal polishing is performed by a registered dental assistant, the assistant shall have:

- (a) Completed the training described in subsection (2) of this administrative regulation; and
 - (b) Obtained a certificate from the authorized institution, which shall be provided to the board for the assistant's file and maintained in the employee's personnel file at each place of employment.
- (2) The required training shall consist of an eight (8) hour course taught at an institution

of dental education accredited by the Council on Dental Accreditation to include the following:

- (a) Overview of the dental team;
- (b) Dental ethics, jurisprudence, and legal understanding of procedures allowed by each dental team member;
- (c) Management of patient records, maintenance of patient privacy, and completion of proper charting;
- (d) Infection control, universal precaution, and transfer of disease;
- (e) Personal protective equipment and overview of Occupational Safety and Health Administration requirements;
- (f) Definition of plaque, types of stain, calculus, and related terminology and topics;
- (g) Dental tissues surrounding the teeth and dental anatomy and nomenclature;
- (h) Ergonomics of proper positioning of patient and dental assistant;
- (i) General principles of dental instrumentation;
- (j) Rationale for performing coronal polishing;
- (k) Abrasive agents;
- (l) Coronal polishing armamentarium;
- (m) Warnings of trauma that can be caused by improper techniques in polishing;
- (n) Clinical coronal polishing technique and demonstration;
- (o) Written comprehensive examination covering the material listed in this section, which shall be passed by a score of seventy-five (75) percent or higher;
- (p) Completion of the reading component as required by subsection (3) of this administrative regulation; and
- (q) Clinical competency examination supervised by a dentist licensed in Kentucky, which

1 shall be performed on a live patient.

2 (3) A required reading component for each course shall be prepared by each institution offering
3 coronal polishing education that shall:

4 (a) Consist of the topics established in subsection (2)(a) to (n) of this administrative
5 regulation;

6 (b) Be provided to the applicant prior to the course described in subsection (2) of this
7 administrative regulation; and

8 (c) Be reviewed and approved by the board based on the requirements of subsection (2)
9 (a) to (n).

10 (4) The institutions of dental education approved to offer the coronal polishing course in
11 Kentucky shall be:

12 (a) University of Louisville School of Dentistry;

13 (b) University of Kentucky College of Dentistry;

14 (c) Western Kentucky University Dental Hygiene Program;

15 (d) Lexington Community College Dental Hygiene Program; and

16 (e) Kentucky Community Technical College System Dental Hygiene or Dental Assisting
17 Programs.

18 Section 4.X-rays by Registered Dental Assistants. A registered dental assistant may take x-rays under
19 the direct supervision of a dentist licensed in Kentucky. If a registered dental assistant takes x-rays under
20 the direct supervision of a dentist licensed in Kentucky, the dental assistant shall have completed:

21 (1) A six (6) hour course in dental radiography safety; and

22 (2) Four (4) hours of instruction in dental radiography technique while under the employment
23 and supervision of the dentist in the office; or

24 (3) A four (4) hour course in radiography technique.

1 Section 5. Requirements for Starting Intravenous Access Lines.

2 (1) An individual registered as a dental assistant in Kentucky and not subject to disciplinary
3 action under KRS Chapter 313 who desires to start intravenous (IV) access lines while under the
4 direct supervision of a dentist who holds a sedation or anesthesia permit issued by the board shall
5 submit documentation to the licensed dentist for whom the registered dental assistant will be
6 providing services proving successful completion of a board-approved course in starting IV
7 access lines based on:

- 8 (a) Patient Safety Techniques;
- 9 (b) Anatomy and physiology of the patient;
- 10 (c) Techniques in starting and maintaining an IV access line; and
- 11 (d) Appropriate methods of discontinuing an IV access line.

12 (2) A registered dental assistant shall not start IV access lines if the individual has not completed
13 a Board approved course in IV access lines.

14 Section 6. Any dental assistant personnel operating under this administrative regulation shall be under
15 the direct supervision of the dentist licensed in the Commonwealth. The dentist licensed in the
16 Commonwealth shall accept sole responsibility for the actions of the dental assistant or dental auxiliary
17 personnel while in the performance of duties in the dental office.

18 Section 13. Incorporation by Reference.

19 (1) The following material is incorporated by reference:

- 20 (a) "Delegated Duty List", July 2010;

21 (2) This material may be inspected, copied, or obtained, subject to applicable copyright law, at
22 the Kentucky Board of Dentistry, 312 Whittington Parkway, Suite 101, Louisville, Kentucky,
23 40222, Monday through Friday, 8:00 a.m. to 4:30 p.m. This material is also available on the
24 board's Web site at <http://dentistry.ky.gov>.

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C. Mark Fort, President Kentucky Board of Dentistry

November 30, 2010

Date

PUBLIC HEARING AND PUBLIC COMMENT PERIOD: A public hearing on this administrative regulation shall be held on Tuesday, January 25, 2011 at 9:00 a.m. at the office of the Board of Dentistry, 312 Whittington Parkway, Suite 101, Louisville, KY 40222. Individuals interested in being heard at this hearing shall notify this agency in writing no later than January 24, 2011 of their intent to attend. If no notification of intent to attend the hearing is received by that date, the hearing may be canceled. This hearing is open to the public. Any person who wishes to be heard will be given an opportunity to comment on the proposed administrative regulation. A transcript of the public hearing will not be made unless a written request for a transcript is made.

If you do not wish to be heard at the public hearing, you may submit written comments on the proposed administrative regulation. Written comments shall be accepted until January 31, 2011.

Send written notification of intent to be heard at the public hearing or written comments on the proposed administrative regulation to the contact person.

Contact person: Brian K. Bishop, Executive Director, Board of Dentistry, 312 Whittington Parkway, Suite 101, Louisville, KY, 40222. Phone (502) 429-7280, fax (502) 429-7282, email briank.bishop@ky.gov.

REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

Administrative Regulation #: **201 KAR 8:570. Registration of dental assistants.**

Contact Person: Brian K. Bishop, Executive Director
Board of Dentistry

(1) Provide a brief summary of:

(a) What this administrative regulation does: **This administrative regulation establishes requirements and procedures for the registration of dental assistants and establishes the requirements for training in coronal polishing for registered dental assistants as required by KRS 313.045.**

(b) The necessity of this administrative regulation: **This administrative regulation is necessary to implement KRS 313.045, which requires the board to promulgate administrative regulations regarding the requirements for the registration requirements, duties, training, and standards of practice for registered dental assistants.**

(c) How this administrative regulation conforms to the content of the authorizing statute: **This administrative regulation is necessary to implement KRS 313.045, which requires the board to promulgate administrative regulations regarding the requirements for the registration requirements, duties, training, and standards of practice for registered dental assistants.**

(d) How this administrative regulation currently assists or will assist in the effective administration of the statutes: **This administrative regulation is necessary to implement KRS 313.045, which requires the board to promulgate administrative regulations regarding the requirements for the registration requirements, duties, training, and standards of practice for registered dental assistants.**

(2) If this is an amendment to an existing administrative regulation, provide a brief summary of:

(a) How the amendment will change this existing administrative regulation: **N/A**

(b) The necessity of the amendment to this administrative regulation: **N/A**

(c) How the amendment conforms to the content of the authorizing statute: **N/A**

(d) How the amendment will assist in the effective administration of the statutes: **N/A**

(3) List the type and number of individuals, businesses, organizations, or state and local governments affected by this administrative regulation: **This is a new level of provider to be registered by the board so the number of individuals affected by this regulation is unknown. Additionally, the Kentucky Board of Dentistry will be affected by this administrative regulation.**

(4) Provide an analysis of how the entities identified in question (3) will be impacted by either the implementation of this administrative regulation, if new, or by the change, if it is an amendment, including:

(a) List the actions that each of the regulated entities identified in question (3) will have to take to comply with this administrative regulation or amendment: **This regulation will not require any new actions on behalf of the dental assistant(s) as their registration is held by the dentist and not the Board. The Kentucky Board of Dentistry is charged by KRS 313.010 to regulate the practice of dentistry in the Commonwealth.**

(b) In complying with this administrative regulation or amendment, how much will it cost each of the entities identified in question (3): **There will be no new cost to the individual with this emergency administrative regulation. The Board is a self funded agency whose budget was approved in HB 1 of the 2010 Extraordinary Session of the General Assembly. HB 1 provided for FY 2010 – 2011 an allotment of \$705,400 and for FY 2011 – 2012 an allotment of \$714,000**

(c) As a result of compliance, what benefits will accrue to the entities identified in question (3): **The Kentucky Board of Dentistry is the regulatory agency and accrues no benefits from the regulations but rather provides enforcement of the chapter and processes for its licensees to legally practice as a registered dental assistant in the Commonwealth.**

(5) Provide an estimate of how much it will cost the administrative body to implement this administrative regulation: **There will be no cost associated with this regulation. The Board is a self funded agency whose budget was approved in HB 1 of the 2010 Extraordinary Session of the General Assembly. HB 1 provided for FY 2010 – 2011 an allotment of \$705,400 and for FY 2011 – 2012 an allotment of \$714,000. The Kentucky Board of Dentistry receives no monies from the General Fund.**

(a) Initially: **No additional costs are expected.**

(b) On a continuing basis: **No additional costs are expected.**

(6) What is the source of the funding to be used for the implementation and enforcement of this administrative regulation: **The Kentucky Board of Dentistry is a fully self funded agency and derives its funding from fees paid by its licensees.**

(7) Provide an assessment of whether an increase in fees or funding will be necessary to implement this administrative regulation, if new, or by the change if it is an amendment: **The fees found in 201 KAR 8:520E make the agency financially solvent.**

(8) State whether or not this administrative regulation establishes any fees or directly or indirectly increases any fees: **This administrative regulation does not establish fees or directly or indirectly increase any fees.**

(9) TIERING: Is tiering applied? **Tiering was not appropriate in this administrative regulation because the administrative regulation applies equally to all registered dental assistants.**

FISCAL NOTE ON STATE OR LOCAL GOVERNMENT

Regulation No. 201 KAR 8:570.

Contact Person: Brian K. Bishop, Executive Director,
Board of Dentistry

1. Does this administrative regulation relate to any program, service, or requirements of a state or local government (including cities, counties, fire departments, or school districts)?

Yes X No

If yes, complete questions 2-4.

2. What units, parts or divisions of state or local government (including cities, counties, fire departments, or school districts) will be impacted by this administrative regulation?

The Kentucky Board of Dentistry is the only state government entity which will be impacted by this regulation.

3. Identify each state or federal statute or federal regulation that requires or authorizes the action taken by the administrative regulation.

KRS 313

4. Estimate the effect of this administrative regulation on the expenditures and revenues of a state or local government agency (including cities, counties, fire departments, or school districts) for the first full year the administrative regulation is to be in effect.

There will be no new net fiscal affect on the Kentucky Board of Dentistry as the agency is a fully self funded agency and receives no general fund dollars.

(a) How much revenue will this administrative regulation generate for the state or local government (including cities, counties, fire departments, or school districts) for the first year?

Compliance with this regulation will provide the agency with enough money to meets its budgetary obligations as set forth in HB1 of the 2010 Extraordinary Session of the General Assembly.

(b) How much revenue will this administrative regulation generate for the state or local government (including cities, counties, fire departments, or school districts) for subsequent years?

Compliance with this regulation will provide the agency with enough money to meets its budgetary obligations as set forth in HB1 of the 2010 Extraordinary Session of the General Assembly.

(c) How much will it cost to administer this program for the first year?

FY 2010 – 2011 as allocated in HB 1 from the 2010 Extraordinary Session of the General Assembly is \$705,400

(d) How much will it cost to administer this program for subsequent years?

FY 2011 – 2012 as allocated in HB 1 from the 2010 Extraordinary Session of the General Assembly is \$714,000

Note: If specific dollar estimates cannot be determined, provide a brief narrative to explain the fiscal impact of the administrative regulation.

Revenues (+/-):

Expenditures (+/-):

Other Explanation:

SUMMARY OF MATERIAL INCORPORATED BY REFERENCE

(1) The “Delegated Duty List” is the 2 page form that details the procedures approved as part of the duties of a registered dental assistant. The board is required to define these duties by KRS 313.045.

(2) The “Application for Intravenous Access Line Registration” is a 1 page form that registered dental assistants are required to file in order to be registered with the board to start intravenous access lines. KRS 313.045 requires the board to define requirements for registration.